

Attorney for Plaintiffs  
 Juan Murillo, Maria Murillo, Martha Jimenez,  
 Amalia Rios and Maria Muñoz

Attorney for Defendants  
Francisco Cervantes, Teresa Diaz,  
Bobby Ray Lee, RAM Capital Corporation  
dba Citywide Properties

Attorney for Defendant  
First Federal Mortgage Bankers, Inc.

JUAN MURILLO aka JUAN MANUEL MURILLO; MARIA MURILLO aka MARIA JUDITH MURILLO; MARTHA JIMENEZ; AMALIA RIOS aka AMALIA GALVAN RIOS; and MARIA MUÑOZ.

**Murillo, et al. v. Cervantes, et al. – (Case no. C07-02199 MEJ) - PARTIES' JOINT STATUS REPORT**

FRANCISCO CERVANTES; TERESA DIAZ;  
 BOBBY RAY LEE; FIRST FEDERAL  
 MORTGAGE BANKERS, INC. dba CITYWIDE  
 PROPERTIES dba CITYWIDE HOME LOANS  
 dba RAM CAPITAL CORP.; HAROLD  
 BLANCO; EAGLE LITERACY GROUP, INC.;  
 NEW CENTURY MORTGAGE CORP.; WELLS  
 FARGO BANK, NA.; CHASE HOME  
 FINANCE, LLC, OCWEN LOAN SERVICING,  
 LLC and DOES 1-100,

Defendants.

TO: Honorable Maria Elena James

Chief Magistrate Judge

### **JOINT STATUS REPORT**

In response to the Court's prior orders issued on October 22, 2009 and November 12, 2009, the signatories below, who are parties to the above-entitled action, submit this Joint Status Report responding to the court's request to clarify whether any of the parties would file a summary judgment motion if the Court were to extend the filing deadline.

The parties to this action and their attorneys of record who are the signatories below are specifically:

Plaintiffs Juan Murillo, Maria Murillo, Martha Jimenez, Amalia Rios and Maria Muñoz ("Plaintiffs") as represented by attorney Heidi M. Li and Matthew J. Webb of The Law Offices of Matthew J. Webb; and defendants Bobby Ray Lee, RAM Capital Corporation dba Citywide Properties, Francisco Cervantes, and Teresa Diaz as represented by attorneys B. Edward McCutchan, Jr. and Scott R. Comerford of Sunderland & McCutchan, LLP and defendant First Federal Mortgage Bankers, Inc. dba Citywide Home Loans as represented by attorneys L. Jay Pedersen and Jeffry Vi Ta of Bledsoe, Cathcart, et al., LLP. Collectively, the foregoing parties are referred to herein-below as "The Parties."

The Parties respond in this report as follows: in August 2009, they appeared for an initial settlement conference hearing in front of Magistrate Judge Larson. Since then, additional good faith settlement communication has taken place between plaintiff's counsel and the lead defense counsel in this proceeding. The parties are currently attempting to seriously evaluate whether they can achieve shortly or not a mutually agreeable settlement and resolution of the plaintiffs' claims against all the remaining named defendants who have appeared in this action without incurring, at this stage of

litigation, further significant additional expenditure of legal fees and costs by all the parties.

In the event that such a settlement cannot be achieved by early – mid January of 2010, the parties through their respective counsel will seek then to engage further in additional discovery activity as may be needed or appropriate with an eye toward bringing this matter to trial by the summer of 2010. Depending on how settlement efforts proceed forward shortly, the parties may seek to file by early January 2010, a Stipulation Seeking Relief from the last Amended Case Management Order issued by this court in April of 2009 and submit an accompanying [Proposed] Amended Case Management Order requesting that the Court adopt revised timelines for GOOD CAUSE as per the reasons to be stated then by the parties including reasons which are stated as per herein.

**Statement of Plaintiffs Counsel:**

Plaintiffs, regardless of any further discovery to be performed in this proceeding by the parties, would seek prior to trial to file a summary judgment motion based, in particular, on grounds including but not necessarily limited to the following: plaintiffs are entitled to seek appropriate relief provided for under Cal. Civil Code Section 1632 against the named broker defendants in this proceeding based on said defendants' per se violation of this Act.

**Statement of Defense Counsel(s):**

Defendants, as of this date, are undecided as to whether any or all of them would seek to file a summary judgment motion.

**Conclusion:**

The Parties will submit a follow-up Joint Status Report and an accompanying Stipulation and [Proposed] Amended Case Management Order on or before January 15, 2010 subject to the court's court ordered approval of this Joint Status Report.

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Respectfully Submitted,

Dated: November 25, 2009

THE LAW OFFICES OF MATTHEW J. WEBB

/s/

Heidi Li  
Attorneys for all Plaintiffs

1 Dated: November 25, 2009

SUNDERLAND & McCUTCHAN

2  
3 B. Edward McCutchan, Jr., Esq.  
4 Attorneys for Defendants: BOBBY RAY LEE;  
5 RAM CAPITAL CORP. dba CITYWIDE PROPERTIES,  
6 FRANCISCO CERVANTES and TERESA DIAZ

7 Dated: November 25, 2009

BLEDSON, CATHCART, ET AL., TREPPA LLP

8 L. Jay Pedersen, Esq  
9 Attorneys for Defendant  
10 BOBBY RAY LEE; and FIRST FEDERAL  
11 MORTGAGE BANKERS, INC. dba CITYWIDE HOME  
12 LOANS

13 The parties shall file an updated joint status report by January 15, 2010. If desired, the parties  
14 may request a referral for a further settlement conference before Magistrate Judge Larson.

15 Dated: December 2, 2009



**SIGNATURE ATTESTATION**

As the attorney e-filing this document with the court, I hereby attest that I have on file all  
holograph signatures for any and all signatures indicated by a “conformed” signature (/S/) within this  
e-filed document.

Dated: November 25, 2009

THE LAW OFFICES OF MATTHEW J. WEBB

By: \_\_\_\_\_  
                /S      

Heidi Li  
Attorneys for Plaintiffs